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I hereby certify that this correspondence and every paper referred to therein as being enclosed is being transmitted to the United States Patent and Trademark Office via facsimile, EFS Web filing or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on the date indicated below.

Date: November 13, 2008

By 

Jennifer Archer

Docket No. 107101-14  
Confirmation No. 3103

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Bernd SUNDERMAN et. al.  
Serial No. : 10/751/584  
Filed : January 5, 2004  
For : SUBSTITUTED 1-PHENETHYLPIPERDINE COMPOUNDS  
USED AS INTER ALIA ANALGESICS  
Art Unit : 1625  
Examiner : Bernard I. Dentz

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November 13, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION EXPLAINING HOW THE ACCOMPANYING POWER OF  
ATTORNEY SATISFIES THE REQUIREMENTS OF 37 CFR §3.73(b)**

SIR:

The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address being filed herewith incorporates the requirements of 37 CFR 3.73(b). A separate document is not required by 37 CFR 3.73(b).

37 CFR 3.73(b)(1) expressly provides that:

“In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee *may be combined with* the paper that requests or takes action. [Emphasis added.]”

Accordingly, 37 CFR 3.73(b) itself contemplates that the applicant need not submit a separate document dedicated to 37 CFR 3.73(b), but, rather, the requirements of 37 CFR 3.73(b) can be dealt with in a document that also requests or takes other actions, such as was done in the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address being filed herewith.

First, as noted above, 37 CFR 3.73(b)(1) provides that in order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark matter. This can be done in one of two ways—by submitting copies of documents showing a change of title from the original owner to the assignee [see 37 CFR 3.73(b)(1)(i)]; or by providing a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office, for example, by reel and frame number [see 37 CFR 3.73(b)(1)(ii)]. In satisfaction of this requirement, the Revocation of Power of Attorney with being filed herewith, states in the first paragraph that the assignee is the “owner of the entire right, title and interest in and to the above-identified application *by virtue of an assignment recorded on 015321 at Reel/Frame 0672 \* \* \**.” Accordingly, the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address being filed herewith satisfies the requirements of 37 CFR 3.73(b)(1). The assignee has established its ownership of the patent property.

Second, 37 CFR 3.73(b)(2) provides that the submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee. Again, this can be done in one of two ways—by including a statement

that the person signing the submission is authorized to act on behalf of the assignee [see 37 CFR 3.73(b)(2)(i)]; or by the document being assigned by a person having apparent authority to sign on behalf of the assignee, for example, an officer of the assignee [see 37 CFR 3.73(b)(2)(ii)]. In satisfaction of this requirement, the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address being filed herewith states in the third paragraph that ***“[t]he undersigned is entitled to act on behalf of the assignee.”*** Accordingly, the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address being filed herewith satisfies the requirements of 37 CFR 3.73(b)(2). Thus, the person signing the document has also established he is authorized to act on behalf of the assignee.

In view of the foregoing, Applicants respectfully request that the Office accept and process the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address being filed herewith.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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